

Comments Before the
Commission to Increase Housing Opportunities in Maine
By Studying Zoning and Land Use Restrictions

12 August 2021

Senator Hickman, Speaker Fecteau, Senator Pouliot, Representative Arata, and Public Members of the Commission,

My name is Mal Carey.

I'm a resident of Newcastle.

My background is in IT – Lewiston Planning Dept, Social Science Research Institute (Orono) & Computer Center (UMF)

I'm on the Board of the Lincoln County RPC and a member of the Maine Association of Planners

- The creation of this Commission presents a timely opportunity to identify regulatory and social factors restricting access to adequate housing for Mainers.
- Unfortunately, the treatment of economic factors as externalities by LD-609 will diminish the utility of Commission efforts. Hopefully, Commission members will take the initiative to call out economic factors where their absence would create misleading conclusions.

Commission "Charge"

1. Review data on housing shortages in the State for low-income and middle-income households;

- Assuming Lincoln County departmental budget approval this fall, the LCRPC will be conducting an extensive Housing Study in 2022. Two-way info exchange this fall perhaps would be useful.
- Hopefully, in spite of the compressed schedule and shoestring budget of the Commission, there will be an opportunity to review Federal Reserve papers on home ownership and (multi-generational) wealth building.
- Improved availability of Broad Band will make it possible for some / many to elect home ownership at a distance vs apartments near the "office". This will be one person's sprawl and another's revitalization of small communities whose manufacturing and natural resources economic bases have eroded.

2. Review State laws that effect the local regulation of housing;

- CMR-208, governing and guiding Comprehensive Plan creation, does not provide a mechanism for requiring & demonstrating strong participation by all segments of the population. The lack of a requirement for a demographically-weightable, controlled-circulation survey also lessens the likelihood that all voices are heard. The voices not heard in my town's last Comp Plan were those in the rural parts of town, low income citizens, and the residents without college degrees. Some working class residents participated in early stages of the planning process, but drifted away due to the "environment". The lack of Planning "rigor" in the process of creating Comprehensive Plans in the current era leads to subsequent ordinance creation which does not fully embody the "pursuant to and consistent with" imperative of 30-A §4252 §§2. The 12 year cycle for refresh is not appropriate in this age, but most Maine towns do not have the in-house capacity to keep planning and ordinances well-sync'ed with external challenges.

- "Home Rule" is generally well received by Mainers involved in town government, but the flexibility can subvert State-level objectives. In 2020 Newcastle enacted a zoning ordinance which increased frontage requirements in most of the Town from either 100 feet or 200 feet to 250 feet - quite contrary to the guidance offered by 30-A §4326 §§ 3-A (G)(2). The result was many rural opportunities for "selling off a lot" to a young couple starting out were eliminated. With rural (as opposed to most in-town) folk looking to land holdings as part of their retirement income, this diminished opportunity for splitting off lots or subdivision did hit rural land owners hard.

- The conflicts relating to affordable housing noted in the on-line version of 30-A §4326 need to be resolved by the Legislature.

3. Review the efforts in other states and municipalities to address housing shortages through changes to zoning and land use restrictions;

- No comment.

4. Consider measures that would encourage increased housing options in the State, including but not limited to municipal incentives, state mandates, eliminating or limiting single-family-only zones and allowing greater housing density near transit, jobs, schools or neighborhood centers, and

- The Legislature should negotiate with UM to create a specialized Lab in Dr Dagher's operation to concentrate on housing technology. Creating LEGO-ized, wood-based components for shop or on-site compositing could lead to economies not achievable by traditional stick-built methods. Additionally, the feedstock could, in part, be "trash trees". Carbon sequestration could also be a benefit, especially if a volume "export" market were to develop.

- Re-constituting the State Planning Office probably would not be well-received.

Many perceived its top-down approach well-intentioned, but not adequately flexible or sensitive to local particulars. A technical assistance operation, perhaps initially focused on providing GIS services, could be well-received.

- Provide base funding for regional planning organizations in addition to the funding which currently flows for Coastal and DOT work. These groups are close to the action/need and are well aware of local, differential planning and action needs. Housing needs in Portland, Boothbay, and Frenchville are significantly different.

5. Review and consider the historical role of race and racism in zoning policies and the best measures to ensure that state and municipal zoning laws do not serve as barriers to racial equality.

“Original Sin” makes it seem like the race problem is in the rear view mirror. We all know it isn’t. Neither is our treatment of Native Americans. We have also convinced ourselves that the natural order of the universe is behind the earnings and wealth profiles of our citizens.

Decent and affordable housing for all will remain an elusive goal because the problem is and will likely remain the lack of will to tax ourselves for the benefit of others we view as “other” or “unworthy”. I can’t claim immunity from such judgments.

Thank you for considering those observations and opinions.

Mal Carey